

1           So I've had it go both ways. Sometimes if --  
2   if the timing is short, if I've only got a 30-day  
3   public notice period, I'm not going to get into I'm a  
4   not-for-profit and I can have this for free and have an  
5   exchange of letters with an attorney. It's like I need  
6   it right now; here's -- send it; here's my check, send  
7   it.

8           MR. HARNETT: Thank you very much for taking the  
9   time today and coming to talk to us.

10           And we'll take a 15-minute break and come back  
11   at 10 after 10:00.

12                   (A recess was had.)

13           MR. HARNETT: Okay. We're going to go ahead with  
14   our next speaker, who is Carey Hamilton of the Ogden  
15   Dunes Environment Council.

16           CAREY HAMILTON: This is where I sit?

17           MR. HARNETT: Yep. You will have 15 minutes to  
18   speak, and I'll give you a warning at a two-minute  
19   mark.

20           CAREY HAMILTON: Probably won't need to.

21                   Is this -- you guys can hear me?

22           MR. HARNETT: Yep.

23           CAREY HAMILTON: Okay. Today I'm representing the  
24   town of Ogden Dunes, Indiana, a community of 1300

1 residents situated along the Lake Michigan shoreline in  
2 the Indiana Dunes directly east of the Burnes Harbor  
3 industrial complex. This complex contains an  
4 integrated steel mill, two finishing mills, several  
5 steel subsidiary companies, in addition to the NIPSCO  
6 coal-powered generating station, and industries within  
7 the Port of Indiana.

8 Due to the ever-shifting wind patterns off Lake  
9 Michigan, our community suffers significant air  
10 problems on a regular basis. In the past year the  
11 town's environmental advisory committee -- truly just  
12 formed in the past year -- has learned a great deal  
13 about pollution sources in our vicinity and to the  
14 extent possibly about the Title V process.

15 I will mention our specific Title V concerns  
16 with one emitter in the Burns Harbor complex as well as  
17 our community's general concerns with the Title V  
18 program. And you will quickly notice I'm not a Title V  
19 expert, but I hope this information is helpful to your  
20 committee.

21 AMROX, the American Iron Oxide Company, a  
22 hydrochloric acid recycling facility located within a  
23 mile of our community and adjacent to US Steel, has  
24 been in operation for approximately four years with no

1     permits because they said they would have zero  
2     emissions before they opened.

3             During the past four years U.S. EPA has found  
4     AMROX to be in violation of standards two out of two  
5     times inspected. AMROX continues to operate during  
6     very protracted negotiations with EPA. In the meantime  
7     AMROX has applied for Title V permit from IDEM, which  
8     is in turn waiting from hear from EPA to make a  
9     determination.

10            In AMROX's response to the draft permit, AMROX  
11     states that they have installed MACT standards and  
12     that, quote, maximum achievable control technology  
13     cannot achieve the NESHAPs for hydrochloric acid and  
14     chlorine, end quote.

15            They go on to say that the NESHAP standards  
16     were not properly promulgated by the U.S. EPA.

17            It seems clear from this comment that AMROX  
18     would like to continue to operate out of compliance and  
19     to receive a Title V permit regardless.

20            However, since the AMROX-U.S. EPA negotiations  
21     have continued for almost a year and these negotiations  
22     are confidential, our community is left in the dark,  
23     and sometimes literally in a haze of dangerous chlorine  
24     emissions.

1           Having said all that, it is important to state  
2     that as our community becomes more aware of the  
3     cumulative impact of having five major toxic air  
4     polluters in such close proximity, we feel that even if  
5     all sources are in compliance with the current Clean  
6     Air Act regulations, we still suffer significant health  
7     risks.

8           It seems that the Clean Air Act permitting  
9     process does not account for cumulative impacts or hot  
10    spots when trying to protect public health. Certainly  
11    in our community with hundreds of thousands of pounds  
12    of toxic air pollutants discharged annually within 1/2  
13    to 3 or 4 miles east of our homes and even more toxic  
14    sources 6 plus miles to the west, these concerns are  
15    very real.

16          Our community recently noted that the State of  
17    Kentucky has started a public process to try to address  
18    toxic air pollution hot spots. As quoted from a recent  
19    Louisville Courier-Journal article, quote, saying  
20    Kentucky has several hot spots of toxic air pollution,  
21    the governor's top environmental regulator announced  
22    yesterday evening the formation of a work group to look  
23    into the problem...the panel will assess the extent of  
24    elevated levels of toxic air in the state's

1 industrialized areas and population centers, end quote.

2 It seems that the Title V process does not  
3 account for this very real and serious air quality  
4 issue.

5 We would like to see the U.S. EPA address these  
6 concerns.

7 Finally on that note, I should mention that  
8 there are over half a million residents in Lake and  
9 Porter Counties in northwest Indiana with much more  
10 than our share of companies listed on the Toxic Release  
11 Inventory. Certainly our region falls within anyone's  
12 definition of an air pollution hot spot.

13 Additionally, according to Charlotte Reed of  
14 Save the Dunes Council, in the 14 years since the Title  
15 V program began, none of the largest permits have been  
16 public noticed in our region. After expressing  
17 interest in the Title V process to both IDEM and EPA at  
18 a meeting in our community last November, one or more  
19 Title V permits in Burnes Harbor have gone through the  
20 public comment phase without our town being noticed via  
21 mail or e-mail. Citizens clearly need more help  
22 through the process.

23 In addition, the permits themselves are  
24 complicated and do not show actual limits, as far as we

1     can tell.

2             As a concerned citizen who has done a great  
3     deal of research over the past year, I still do not  
4     have a sense of how to ensure, for our community's  
5     sake, that permits are being complied with on an  
6     ongoing basis.

7             And a thought I had on the drive up here this  
8     morning that I've written in: I remembered from  
9     reviewing the draft permit from AMROX last winter that  
10    there were repeated uses of vague language such as  
11    "when feasible" or "in a reasonable amount of time"  
12    when discussing enforceable requirements in the permit.  
13    Such questionable language should never be allowed in a  
14    permit.

15            That's what common sense tells me and the folks  
16    in our town who looked at that. So I wanted to add  
17    that comment.

18            That should have been in here, but I didn't  
19    think about it until today.

20            Another problem for our community is that the  
21    large emitters in Burns Harbor are not within our  
22    municipal jurisdiction, although Ogden Dunes certainly  
23    receives a great deal of the potential negative health  
24    impacts from air pollution generated at this industrial

1     complex. We have little recourse at the local level to  
2     address these concerns.

3             Finally, on a recent tour of Precoat Metals, a  
4     steel coil painting company also adjacent to U.S.  
5     Steel, members of our committee became concerned with  
6     how the Title V permit actually applies. Precoat,  
7     simply stated, burns its VOC emissions to a certain  
8     level that brings them into compliance.

9             However, during our tour, the three members of  
10    our town -- one of whom is the former CEO of Bethlehem  
11    Steel -- who were present were not convinced that  
12    proper controls were in place to control emissions that  
13    may escape when blips such as temporary power loss  
14    occur. And if such an event occurred and significant  
15    emissions escaped, what is the consequence to Precoat?

16            We were not comfortable that there are real  
17    consequences in such situations. And we have had  
18    instances where residents have complained of physical  
19    ailments that doctors have told us coincide with the  
20    VOC contact.

21            I hope these comments are helpful and that our  
22    overall concerns are heard, primarily that cumulative  
23    impacts of multiple sources in close proximity need to  
24    be addressed, and that the program is too complex for

1 effective community involvement.

2 Thank you for this opportunity to speak.

3 MR. HARNETT: Varena Owen?

4 MS. OWEN: Hi.

5 CAREY HAMILTON: Hi.

6 MS. OWEN: Thank you so much for coming. It's fun  
7 for me to meet with a formerly unknown kindred spirit.  
8 Makes me feel less lonely out there.

9 When you said -- could you elaborate a little  
10 bit about your comments that there was no public notice  
11 for the permits for your major sources?

12 CAREY HAMILTON: I thought that might come up.

13 Unfortunately, Charlotte Reed is the main air  
14 quality advocate in our region -- she works for Save  
15 the Dunes Council -- and she conveyed that over the  
16 phone.

17 Other than that, from my personal experience  
18 she has told me that both U.S. Steel and I believe one  
19 or two other facilities in Burns Harbor have been up  
20 for public notice since our whole involvement began  
21 last November and that we kind of missed the boat; that  
22 our community wasn't formed.

23 We did meet with, as I mentioned, EPA and IDEM  
24 last November, and many residents from our community



1     came out and expressed interest in this process. And  
2     we talked a lot about the permitting process, kind of  
3     beginning the education.

4             And after that you would think we would have --  
5     sharing phone numbers and e-mails and all of that. But  
6     we weren't contacted.

7             So we -- you know, I would hope, understanding  
8     that this process is supposed to really get to the  
9     public input, that that would have happened.

10            MR. HARNETT: Bernie Paul?

11            MR. PAUL: Are you aware that in Indiana you can  
12     request to be put on mailing lists so that you get  
13     public notice?

14            CAREY HAMILTON: You know, I thought I had. We  
15     actually had a public hearing on AMROX as Title V  
16     permit back in February. And in that process, becoming  
17     the main contact for our town, I thought that had a  
18     happened for me in talking directly with IDEM staff;  
19     and it didn't.

20            MR. PAUL: Okay. The real question that I have was  
21     you talked about interest in dealing with the toxic hot  
22     spot issue that your community faced.

23            Now, I wonder if you thought it would be an  
24     acceptable approach to use some other forum other than

1 the Title V permitting process to deal with those  
2 issues.

3 From my perspective, Title V isn't really  
4 equipped as a process to deal with those types of  
5 issues; but there are many other ways that those types  
6 of concerns could be addressed with the agency.

7 Is that something that you think would be  
8 acceptable?

9 CAREY HAMILTON: Possibly, yeah. I mean, in  
10 thinking about this, it does seem that if the process  
11 to allow -- to permit pollution doesn't account for  
12 areas as opposed to just specific property sources.  
13 You know, it seemed to make sense that Title V might in  
14 the future take that into account.

15 But just having EPA address it is really what  
16 we want.

17 So yes, I guess the answer is yes.

18 MR. HARNETT: Lauren Freeman?

19 MS. FREEMAN: Hi.

20 You mentioned that you've seen permit terms or  
21 conditions that use words that are not clear or could  
22 be interpreted differently: Infeasible, reasonable.

23 Do you know are those things that the  
24 permitting authority is adding in the permit, or are

1     those things that come from regulations and other  
2     permits that have to be incorporated?

3           CAREY HAMILTON:  That's a very good question.

4     We -- I made those comments, you know, with the permit  
5     in front of me back to IDEM in February, and haven't  
6     really thought about it till driving in this morning.

7           You know, and they didn't -- at the hearing  
8     when we talked to IDEM, they didn't address that.

9           So I don't know.  I can't answer that question,  
10    I guess.

11          MR. HARNETT:  Richard van Frank?

12          MR. VAN FRANK:  Have you had -- well, what has been  
13    your experience in getting copies of the permit and the  
14    permit application, either getting copies or being able  
15    to view them at some place?

16          CAREY HAMILTON:  Well, I mean, as I mentioned  
17    earlier, I guess I was disappointed that we hadn't  
18    heard that some permits were already up for review.

19                I guess once we -- like with AMROX, since we  
20    realized they were coming up and they were definitely  
21    an issue for us, call -- I actually used to work for  
22    IDEM, not at all in the regulatory sense, so I have  
23    contacts there that I could call; and it was a little  
24    easier for me.

1 Not a great answer, I don't think.

2 MR. VAN FRANK: If I could ask one more brief one.

3 When you've requested information from IDEM, as  
4 you recently said you did, have you gotten replies; and  
5 if so, how long did it take to get a reply?

6 And was the reply germane to the question?

7 CAREY HAMILTON: Well, specifically from the  
8 permitting department we've gotten pretty good  
9 responses, yes. Other departments, no.

10 MR. HARNETT: David Golden?

11 MR. GOLDEN: Thank you very much for -- for driving  
12 up and taking the time. I know you have probably a  
13 number of important things to do today. Appreciate  
14 your taking the time to do this.

15 One quick question about this facility that  
16 went from apparently a zero emissions facility to a  
17 Title V facility.

18 CAREY HAMILTON: They were built in 2000. Sorry.

19 MR. GOLDEN: I'm curious as to what was their  
20 certification of compliance status in their Title V  
21 permit application?

22 Did they certify full compliance, or something  
23 less than?

24 CAREY HAMILTON: I'm not quite sure what you mean.

1           MR. GOLDEN: In a Title V permit application you  
2           have to indicate compliance status. And I'm just  
3           curious as to whether they indicated they were in full  
4           compliance.

5           CAREY HAMILTON: Well, no. They said that because  
6           the NESHAP standards were not promulgated correctly by  
7           EPA that they would not be in compliance even though  
8           they had max standards in place.

9           MR. GOLDEN: So it sounds like some sort of caveat  
10          to their compliance state?

11          CAREY HAMILTON: Yeah.

12          MR. GOLDEN: Thanks.

13          MR. HARNETT: Verena Owen?

14          MR. LING: Bill always calls on me last.

15          CAREY HAMILTON: Do you guys secretly signal to  
16          Mr. HARNETT, or does everybody get called on?

17          MR. HARNETT: Everybody eventually gets called on.

18          CAREY HAMILTON: Okay.

19          MS. OWEN: I have two questions that are somewhat  
20          related and somewhat not.

21                 When you said when you FOIA information that  
22                 you don't usually encounter problems on the permitting  
23                 side of your agency, in my experience it is difficult  
24                 for somebody doing a thorough permit review to

1 understand that they might have to access different  
2 parts of the permit agency.

3 You probably look at the emergency response  
4 section or the compliance section or whatever reporting  
5 is done.

6 What is your experience in kind of this  
7 integrated approach to permit review?

8 Did you encounter problem with reviewing  
9 information at request?

10 CAREY HAMILTON: No, we didn't; but we probably  
11 haven't asked as many questions as we should have at  
12 this point.

13 MS. OWEN: Okay. You said that you feel that  
14 citizens need help. And I -- I -- it sounds like a  
15 reasonable request, especially since permitting  
16 agencies are supposed to have some responsibility to  
17 ensure meaningful public participation.

18 What -- if you could have three things like  
19 magic, what would you think would be most helpful for  
20 you to...

21 CAREY HAMILTON: I think the person -- I just  
22 caught the last few minutes of the testimony before me.  
23 And I don't know who it was, but the woman mentioned  
24 very simple, clear ads in papers. I think in our

1 community that would be very helpful.

2 And not -- she referenced using technical EPA  
3 terms. And instead if you said AMROX, you know, public  
4 comment now. You know, with then more detail. Folks  
5 would go, oh, AMROX, we've read about them in the  
6 paper, we know that they're a concern for our  
7 community; you know, and they'd pay more attention.

8 Also just, gosh, better use of the e-mail. I  
9 mean -- everyone in IDEM I think has my e-mail, and I  
10 don't get these notices.

11 So -- and other folks on my committee who  
12 regularly deal with -- there are a couple of folks who  
13 very regularly deal with IDEM's different offices.  
14 We've got a regional office and folks down state.

15 And none of us are getting notice of these  
16 things in our community.

17 MS. OWEN: Thank you.

18 MR. HARNETT: Bob Morehouse?

19 MR. MOREHOUSE: We've heard a number of people  
20 comment in the last couple days about the challenges of  
21 participating in the whole public process with permits.

22 Are there resources available say in Indiana  
23 that basically train people in how to participate in  
24 the process?

1           I know sometimes there's training sessions that  
2   educate, you know, folks who are not familiar with  
3   this.

4           Is there a Web site available in Indiana that  
5   kind of helps people; or is this sort of word of mouth?

6           CAREY HAMILTON: No, there is some information on  
7   the Web, both IDEM and EPA. And I recently tried to  
8   get myself to a Title V -- I don't remember the exact  
9   title, but it was a -- I think public involvement  
10   training, like two days in one day or something. But I  
11   couldn't get to it, and then I read later that it was  
12   cancelled.

13          You know, but I kind of sought that out myself.  
14   I think I've actually found that -- I every once in a  
15   while check out the IDEM calendar, and it was listed on  
16   the calendar. So that wasn't noticed to me very well.

17          MR. MOREHOUSE: Who sponsors the training?

18          CAREY HAMILTON: I think that's IDEM; I'm not --  
19   yeah.

20          MR. VAN FRANK: Could I make a comment on that,  
21   Mr. Chairman?

22          MR. HARNETT: Go right ahead, Richard Van Frank.

23          MR. VAN FRANK: IDEM had a training session several  
24   years ago, and it was based on the material that Keri



1 Powell developed for NYPIRG, and it was reasonably well  
2 attended. I don't think they've repeated it since  
3 then. But that part, as far as I know, is the only  
4 attempt at Indiana to do training.

5 They have a citizen's guidebook which is  
6 essentially a joke as far as getting any useful  
7 information out of it. It's a -- essentially a  
8 learn-by-doing process. And I have been doing it a  
9 long time, but I still have a lot to learn.

10 They don't make it easy. And that's one of the  
11 reasons I ask about the -- getting available  
12 information. What is really needed is an ombudsperson  
13 to help the citizens to go through this process.

14 CAREY HAMILTON: I want to second that. I've  
15 downloaded that citizens guide to the permitting  
16 process, whatever it's called, and it wasn't real  
17 helpful to me either.

18 MR. HARNETT: Verena Owen.

19 MS. OWEN: Thank you.

20 First of all, consider yourself lucky to have  
21 anything like a citizen's guidebook available in  
22 Indiana. Illinois doesn't have anything.

23 I offered to write one. They kind of didn't go  
24 that -- take that well.

1           And since we have Steve Hitte here -- I  
2   graduated from U.S. EPA sponsored workshop; so are you  
3   taking requests?

4           MR. HITTE: My office, which is with Mr. HARNETT,  
5   does still take an active interest in outreaching and  
6   educating both the citizens on Title V as well as  
7   environmental justice communities as well as tribes who  
8   are all sort of in the same boat as not knowing as much  
9   as the states.

10           We are still doing all fronts; not as much  
11   classroom training just because of the cost. But the  
12   materials that we have developed in the past, which is  
13   the training you're referring to I think, we have tried  
14   to train the trainer so the states can do it. I don't  
15   police -- I shouldn't say police -- I don't follow it  
16   as frequently as the states offer it.

17           Equally we are trying to get up to speed with  
18   current technology and developing a Web course on Title  
19   V training so people can take it from, you know, the  
20   comforts of their own home.

21           But yes, we still -- the door is still open to  
22   have training when there is a large interest and we  
23   have the money to do that.

24           MR. HARNETT: The other comment on that is that we

1 can give you a contact name in the regional office here  
2 who has provided training in the different states  
3 previously. And I'm sure she's -- be willing to come  
4 back to Indiana.

5 CAREY HAMILTON: Okay. That would be helpful.

6 MR. HARNETT: Thank you very much.

7 MS. HARAGAN: Can I add one more thing?

8 MR. HARNETT: Sure. Go right ahead.

9 MS. HARAGAN: I just wanted to suggest one more  
10 thing that would be helpful.

11 Each of the citizen trainings that were held  
12 around the country, there was a manual developed that's  
13 a pretty hefty manual, and it's state specific.

14 If EPA could make those available on line, scan  
15 them in or something, I think that would be useful, at  
16 least in the locations where you held the training.  
17 Because it is more state-specific, which is much more  
18 helpful than, you know, little more general approach.

19 MR. HITTE: I'll follow up.

20 CAREY HAMILTON: Thank you.

21 MR. HARNETT: We've hit the point again where we  
22 have no speakers. And we do not anticipate right now  
23 any additional ones, so I would suggest that between  
24 now and noon we could go back to our other discussions.